

**PHARMACY EXAMINING BOARD  
SEPTEMBER 22, 2010  
MEETING MINUTES**

**PRESENT:** Timothy Boehmer, R.Ph.; Jason Walker-Crawford, R.Ph.; Suzette Renwick; and Gregory C. Weber, R.Ph.

**BY LIVE**

**MEETING:** Pamela Phillips

**EXCUSED:** Jeanne Severson, R.Ph. and Amy Mattila, R.Ph.

**STAFF:** Nora Wilson, Bureau Director; Michele Miller Hayes, DRL Board Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

**GUESTS:** Brook Kawchak and Vanessa Freitag Ministry Saint Joseph's Hospital; Eric Knox, Wisconsin Department of Corrections; Jamie Statz-Paynter, Dean Pharmacy; Jeffrey Clinton, Omnicare; Hashim Zaibali, CVS; Tom Engels, Pharmacy Society of Wisconsin (PSW); Doug Englebert and Jonathan Moody, Wisconsin Department of Health Services; Dean Polar, Cardinal Health; Peter Poppens, Natalie Ammerman, Chris Casey, Sarah Henson and Mark Putzi, pharmacy students; Teresa Geier, Walmart Pharmacy; Chad Smith, Jack Kampf and William Black, Aurora Health Care; and Mike Olhewski, Group Health Cooperative

**CALL TO ORDER**

Jason Walker-Crawford, Vice-Chair, called the meeting to order at 9:07 a.m. A quorum of 5 members was confirmed.

**APPROVAL OF AGENDA**

**Amendments:**

- Add Conference info from red folder under Travel
- Add Practice Questions from red folder under Practice Questions
- Move PHAR 7 from Item G to Item E

**MOTION:** Tim Boehmer moved, seconded Suzette Renwick, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 28, 2010**

**MOTION:** Suzette Renwick moved, seconded by Tim Boehmer, to approve July 28, 2010 minutes as published. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS**

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Chyan Wu - 08 PHM 039. Deliberation will be in closed session.

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Scott A. Vondra - 09 PHM 037. Deliberation will be in closed session.

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Medical Equipment Specialists - 10 PHM 023. Deliberation will be in closed session.

## **ADMINISTRATIVE REPORT**

### **DRL Staff Update**

Jason Walker-Crawford introduced Nora Wilson as the new Bureau Director. Ms. Wilson then introduced Chris Anderson as the new paralegal within the Division of Board Services.

### **2011 Meeting Dates**

**MOTION:** Tim Boehmer moved, seconded by Greg Weber, to approve the meeting dates as listed in the agenda packet. Motion carried unanimously.

### **NABP/AACP District IV Meeting – November 10-12, 2010 – Cincinnati, OH**

The Board noted that Amy Mattila had expressed interest in this in the past. The Board will address a delegate at the next meeting.

## **EDUCATION AND EXAMINATION ISSUES**

### **Board Consideration of Pharmacist CE Audit 2008-2010**

**MOTION:** Tim Boehmer moved, seconded by Greg Weber, to not conduct a CE Audit for the previous renewal period. Motion carried unanimously.

## **VARIANCE REQUESTS AND REPORTS**

### **VARIANCE REQUEST – MINISTRY SAINT JOSEPH'S HOSPITAL TECH CHECK TECH VARIANCE**

Ministry Saint Joseph's Hospital withdrew their request for Tech-Check-Tech variance.

### **VARIANCE REPORT – MORTON PHARMACY PHARMACIST TO TECH RATIO VARIANCE**

Noted.

## **REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES**

**Review initiatives**

Greg Weber highlighted the changes. At the last meeting, the Board decided to add a review and possible revision of Phar 7.02 related to Prescription labels and Phar 7.08 and 8.09 related to prohibition of electronic prescriptions for schedule II prescriptions. The Board moved the item related to electronic prescriptions for schedule II controlled substances to current rulemaking.

**Develop Scope Statement to support Revision to PHAR 7.08 and Phar 8.09**

The Board asked the Department to seek legislative changes related to Wis. Stat. Chapter 961.38 (1r), develop a scope statement for revisions to Phar 7.08 and 8.09 and make all boards with controlled substance prescriptive authority aware of the changes being sought by the Board.

**Board Review and Discussion of Separate Licensing for Oxygen**

The Board discussed expanding the license to include oxygen. Michele Miller Hayes suggested that there be more clarity within the rules and statutes.

**PRACTICE QUESTIONS**

**What types of electronic signatures are permissible in Wisconsin for an electronically transmitted prescription order?**

The signature of the person authorized to issue the prescription is required to be submitted. If the prescription is for a schedule II, only the prescriber is authorize to sign the script and therefore the prescriber's signature must be affixed to the script. If the agent can sign the script, then they can affix their electronic signature to the script.

**May pharmacists in Wisconsin legally dispense authorized generics? – Review response and consider posting as Practice FAQ**

It was decided that as long as the FDA considered it an equivalent, the generic could be dispensed.

**Can a pharmacy intern or resident transfer prescriptions?**

A prescription can be transferred only between 2 pharmacists unless the intern or resident are under direct supervision of the pharmacist.

**DRL UPDATE ON PDMP**

Nora Wilson noted that the 2011 information is not available. She will be attending the meeting of the Alliance of States with Prescription Monitoring Programs on October 18 - 19, 2010. Nora Wilson and Michele Miller Hayes will be working with Hector Colon to prepare the legislative changes that need to occur before grant writing can take place.

**DRUG ENFORCEMENT ADMINISTRATION  
MONTHLY DRUG THEFT AND LOSS REPORT**

Noted.

**SUMMARY REPORT ON ADMINISTRATIVE RULES**

The Board noted that items 45 related to changing the exam name and the council name along with item 46 related to Phar 17 and the practical experience hours were not being moved forward but should be due to recent legislative changes.

**BOARD REVIEW AND DISCUSSION OF DRL'S PROPOSED REVISIONS OF  
WISCONSIN ADMINISTRATIVE CODE RL7, WHICH RELATES TO IPP**

Greg Weber indicated that the Board should have received a copy of the draft rule at the July meeting to allow for input to the final draft. He expressed concern that the Board Liaison be appointed by the Board and not the Secretary or Secretary's designee. He is also concerned that the program coordinator sets the eligibility criteria without approval of the Board. He also asked that a definition for physiological specimens be defined within the rule.

**MOTION:** Greg Weber moved, seconded by Suzette Renwick, to have the Board send a letter to the respective Legislative Committees expressing the Board's concerns as discussed. Motion carried unanimously.

**BOARD REVIEW AND DISCUSSION OF EDUCATION EFFORTS REGARDING  
PHARMACIST'S REQUIREMENT TO "MAKE RECORDS RELATED TO  
PSEUDOEPHEDRINE LOGS AVAILABLE TO A LAW ENFORCEMENT OFFICER  
WHO REQUESTS THEM" UNDER 961.253 (3)**

Jason Walker-Crawford suggested that this item be addressed under the FAQ's on the website and in the next Regulatory Digest. He also asked PSW to pass this information along to their membership as well.

**STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE (SCAODA)  
PAMELA PHILLIPS**

Pamela Phillips noted that most of the discussion at the last meeting was related to health care reform.

**INFORMATIONAL ITEMS**

Noted.

**PUBLIC COMMENTS**

Michael Olhewski (Group Health) - He asked for additional guidance related to EPT because of the need for a patient name and profile to fill a prescription but it is not required to fill an EPT prescription. Jason Walker-Crawford noted that the FAQ would be discussed at the next Pharmacy Examining Board Meeting.

Jamie Statz-Paynter - She noted that there is confusion surrounding the EPT prescription and the requirement of pharmacists to fill EPT prescriptions.

**CLOSED SESSION**

**MOTION:** Greg Weber moved, seconded by Suzette Renwick, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with

Final 10/27/2010  
legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Timothy  
Boehmer-yes; Suzette Renwick-yes; Jason Walker-Crawford-yes; Gregory  
C. Weber-yes; Pamela Phillips-yes. Motion carried unanimously.

Open session recessed at 11:43 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Suzette Renwick moved, seconded by Tim Boehmer, to reconvene into open session at 1:09 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

#### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

##### **CHYAN WU, R.PH. 08 PHM 039**

**MOTION:** Tim Boehmer moved, seconded by Suzette Renwick, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Chyan Wu, 08 PHM 039. Motion carried unanimously.

##### **SCOTT A. VONDRA, R.PH. 09 PHM 037**

Tabled.

##### **MEDICAL EQUIPMENT SPECIALISTS 10 PHM 023**

**MOTION:** Tim Boehmer moved, seconded by Suzette Renwick, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Medical Equipment Specialists, 10 PHM 023. Motion carried unanimously.

### **CASE CLOSINGS**

##### **08 PHM 021**

**MOTION:** Pamela Phillips moved, seconded by Suzette Renwick, to close case 08 PHM 021 for no violation. Motion carried. Greg Weber recused himself.

##### **08 PHM 042**

**MOTION:** Greg Weber moved, seconded by Tim Boehmer, to close case 08 PHM 042 for no violation. Motion carried unanimously.

##### **09 PHM 052**

**MOTION:** Suzette Renwick moved, seconded by Tim Boehmer, to close case 09 PHM 052 for insufficient evidence. Motion carried unanimously.

**09 PHM 067**

**MOTION:** Tim Boehmer moved, seconded by Suzette Renwick, to close case 09 PHM 067 for insufficient evidence. Motion carried unanimously.

**MONITORING**

**BONNIE M. KIMBALL  
REQUESTING MODIFICATION**

**MOTION:** Tim Boehmer moved, seconded by Suzette Renwick, to reduce the number of drug screens for Bonny Kimball to 48 times per year, add a hair screen and allow 12 PIC hours. Motion carried unanimously.

**ROBERT J KUNDE  
REQUESTING MODIFICATION**

**MOTION:** Tim Boehmer moved, seconded by Suzette Renwick, to reduce the number of drug screens for Robert J. Kunde to 14 times per year. Motion carried unanimously.

**JAMES E. ELBERT  
CLARIFICATION OF BOARD ORDER**

**MOTION:** Tim Boehmer moved, seconded by Pamela Phillips, to deny the request for a stay of suspension from James E. Elbert until his successful passage of the MPJE and NAPLEX. He must be enrolled in a drug screening program at a frequency of 48 times per year plus one hair screen before being able to re-petition the Board for a stay of suspension. Motion carried unanimously.

**ROGER G. IVERSON  
CLARIFICATION OF BOARD ORDER**

**MOTION:** Tim Boehmer moved, seconded by Greg Weber, to deny the request for PIC hours and remove the stay of suspension for Roger G. Iverson. Roger G. Iverson must be in compliance with the original order for three months before he can re-petition the Board for a stay of suspension. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Suzette Renwick moved, seconded by Pamela Phillips, to adjourn the meeting at 1:13 p.m. Motion carried unanimously.